

PANITCH SCHWARZE BELISARIO & NADEL LLP**FAX TRANSMISSION****March 3, 2010**

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From: Sandra M. Katz
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Direct Dial: 215.965.1344
Re: U.S. Patent Application No. 10/654,099
Title: ALLOY TYPE THERMAL FUSE AND MATERIAL FOR A THERMAL FUSE ELEMENT
Attorney Docket No.: 10844-31US (203055(C-1))

Message:

Per your request, attached is page 14 from the Appeal Brief filed on October 26, 2007.

If you have any questions, please do not hesitate to contact us.

Best regards.

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element, the flux-applied fuse element is passed through a ceramic tube, and gas between ends of the ceramic tubing and the lead conductors are sealingly closed. The Examiner acknowledges that JP '724 does not teach that the ends of the lead conductors have a disk-like shape, and that ends of the fuse element are bonded to front faces of the disks.

However, the Examiner argues that JP '732 teaches providing lead conductors with a disk-like shape at the ends of the lead conductors and bonding the fuse elements to the front faces of the disks, in order to prevent flux from adhering to the ends of the cylindrical case and to achieve quick separation when the fuse is activated. Therefore, the Examiner concludes that it would have been obvious to one having ordinary skill in the art to modify JP '724 by providing lead conductors with a disk-like shape at the ends of the lead conductors and bonding the fuse elements to the front faces of the disks, in order to prevent flux from adhering to the ends of the cylindrical case and to achieve quick separation when the fuse is activated, as taught by JP '732.

3. Appellant's Position

a. The Proposed Combination of JP '724 and JP '732 Would Not Teach or Suggest the Claimed Elements

As set forth in Section VII.A.3. above, no *prima facie* case of obviousness has been established based on JP '724, since JP '724 in fact teaches away from the presently claimed invention. JP '724 does not teach or suggest the claimed alloy composition, and even if a case of *prima facie* obviousness had been established by JP '724, the unexpected results exhibited by the presently claimed invention would overcome such a case. Further, even the proposed combination with JP '732 would not cure the deficiencies with JP '724. JP '732 does not teach or suggest any specific alloy composition for a thermal fuse, and thus does not teach or suggest the claimed alloy composition, nor would the results exhibited by the presently claimed invention have been expected based on the combination of JP '724 and JP '732.

C. The Rejection of Claims 23-28 Under 35 U.S.C. § 103(a) as being unpatentable over JP '724 in view of JP '732 and GB '608 is Improper.

1. Disclosure of GB '608

GB '608 is directed to a heating circuit for an electric blanket or similar device which contains various components, including a specific cable containing a heater conductor, sensor conductor, and temperature sensitive means, and resistor-diode pairs. The circuit contains resistors which are designed to blow a thermal fuse and terminate heating upon overheating.